

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JEFFREY M. GOEKEN,

Plaintiff,

v.

ANDREW SAUL, Commissioner of Social  
Security,<sup>1</sup>

Defendant.

**8:18CV320**

**ORDER  
AND JUDGMENT**

This matter is before the Court on plaintiff Jeffrey M. Goeken's Unopposed Motion for Relief from Judgment under Federal Rule of Civil Procedure 60(b)(6) (Filing No. 32). In light of the United States Supreme Court's holding in *Carr v. Saul*, 593 U.S. \_\_\_, \_\_\_, 141 S. Ct. 1352, 1362 (2021), that a Social Security claimant is not required to raise an Appointments Clause challenge at the agency level and instead may raise it for the first time in federal court, the motion will be granted and this Court's previous Memorandum and Order (Filing No. 24) and Judgment (Filing No. 25) will be vacated.

IT IS ORDERED:

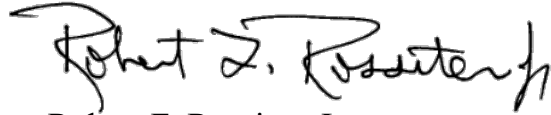
1. Plaintiff Jeffrey M. Goeken's Unopposed Motion for Relief from Judgment under Federal Rule of Civil Procedure 60(b)(6) (Filing No. 32) is granted.
2. The Court's previous Memorandum and Order (Filing No. 24) and Judgment (Filing No. 25), are vacated.
3. This case is remanded to the Commissioner of the Social Security Administration pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings.

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<sup>1</sup>Andrew Saul was sworn in as the Commissioner of Social Security on June 17, 2019. *See* Fed. R. Civ. P. 25(d) (substitution of parties).

Dated this 19th day of May 2021.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.  
United States District Judge